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Attorney Docket: 007324-0282826

REMARKS

Claims 1-21, 31-38 and 41-44 are pending. By this Amendment claims 22-30, 39 and 40 are canceled without prejudice or disclaimer. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Claims 22-30, 39 and 40 have been canceled without prejudice or disclaimer, thus rendering moot their rejection.

Claims 18 and 20 were rejected under 35 U.S.C. § 102(e) over Ha et al. (U.S. Patent 6,444,965). The rejection is respectfully traversed.

Claim 18 recites, *inter alia*, a user food data base storing information about food to be managed for every user. Ha et al. do not disclose or suggest this feature.

The Examiner alleges that the memory 150 of the microwave oven 200 of Ha et al. corresponds to the user food data base. However, as clearly disclosed by Ha et al., the memory 150 stores cooking data (e.g. menu selections and cooking operations, including output levels and cooking times) received from the Internet. The cooking data stored in the memory 150 may be deleted (column 4, lines 22-24), replaced with data received from the computer 100 (column 4, lines 27-30), or reset (column 4, lines 42-45).

It is clear that the memory 150 of the microwave 200 is not a database storing information about food to be managed for every user. The memory 150 merely stores cooking data received from the Internet. Accordingly, Ha et al. do not disclose or suggest each and every feature of claim 18 and cannot anticipate or render obvious the claim.

Claim 20 recites a food managing method comprising, *inter alia*, storing, on a user food data base managing food for every user, information about food to be managed.

The memory 150 of Ha et al. is not a user food data base as recited in claim 20. In addition, the memory 150 of Ha et al. stores cooking data received from the Internet, it does not store information about food to be managed for every user. Therefore, Ha et al. do not disclose or suggest every feature of claim 20 and cannot anticipate or render obvious the claim.

Reconsideration and withdrawal of the rejection of claims 18 and 20 over Ha et al. are respectfully requested.

Claims 1-11 and 41-44 were rejected under 35 U.S.C. § 103(a) over Brown et al. (U.S. Patent Application Publication 2004/0078272 A1) in view of Reber et al. (U.S. Patent 5,798,694) and Turpin et al. (U.S. Patent 5,745,712). The rejection is respectfully traversed.

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With respect to the Examiner's conclusion on page 7, line 8, (and throughout the Office Action) that certain "essential elements" of the claimed invention are disclosed by particular prior art references, the undersigned respectfully notes that there are no essential elements, only claimed elements. The undersigned also respectfully notes that claim 1 does not recite a storage area which processes food, as alleged by the Examiner.

The Examiner acknowledges on page 7, second paragraph, that Brown et al. do not disclose or suggest a food processor. The Examiner concludes that the storage place 24 of Reber et al., in particular an oven as the storage place, corresponds to the food process of claim 1 and that it would have been obvious to modify the system of Brown et al. to include food processing in view of the disclosure of Reber et al.

The Examiner acknowledges on page 9, first full paragraph, that the combination of Brown et al. and Reber et al. does not disclose or suggest a main food data base and a user data base associated with a food storage apparatus and a food processor. The Examiner alleges that Turpin et al. disclose the principles of good data base design, and concludes that it would have been obvious to modify the combination of Brown et al. and Reber et al. to include a main food data base and a user food data base "for the purpose of integrating the local data into one database and similarly integrating the remote data into a single database."

It is respectfully noted that claim 1 does not recite an "integrated" or "single" database. Claim 1 recites a main data server having a main food data base and a user data server having a user food data base. As none of Brown et al., Reber et al. or Turpin et al. disclose or suggest these features, as acknowledged by the Examiner, the combination of the three references does not include all the claim limitations and does not present a *prima facie* case of obviousness.

It is further respectfully submitted that Turpin et al. are non-analogous prior art as they are neither from Applicants' field of endeavor nor reasonably pertinent to the particular problem with which Applicants were faced and would not logically have commended themselves to Applicants' attention when considering their problem. See MPEP § 2141.01(a). Turpin et al. are directed to a graphical programming system and methods for assisting a user with creating screen objects on a screen device. Turpin et al. do not disclose or suggest anything regarding a food management and processing system.

With respect to the combination of Reber et al. with Brown et al., the Examiner alleges that the use of an oven as the storage space of Reber et al. corresponds to a food processor. However, it is respectfully submitted that even assuming that heating the food in

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the oven of Reber et al. is regarded as processing food, the oven of Reber et al. is not adapted to access via a communication network a user data server having a user food data base. As the system of Brown et al. is merely used to track inventory of items 42a-n in the storage area 40, and not process food, the combination of Brown et al. and Reber et al., with Turpin et al. as discussed above, would not result in the invention of claim 1.

It is also respectfully submitted that there is no motivation to combine Brown et al. and Reber et al., and Turpin et al. as discussed above. Brown et al. are directed to an inventory management system, albeit for food items. Reber et al. are directed to a food storage apparatus and methods and systems for monitoring a food item. Neither reference is concerned with a food processor including the features recited in claim 1.

Claims 2-11 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 1 and for the additional features recited therein.

The combination of Brown et al., Reber et al. and Turpin et al. fails to present a *prima facie* case of obviousness against claim 41 because the combination fails to include all the claim limitations, for example storing on a main food data base information about food to be managed, storing on a user food data base the information about the food to be managed for every user, and inputting an identification code affixed to the food in a food storage apparatus and a food processor with a food processing function. There is also no motivation or suggestion, either in the three references or in the knowledge generally available to one of ordinary skill in the art, to combine the references in the manner done by the Examiner.

Claims 42-44 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 41 and for the additional features recited therein.

Reconsideration and withdrawal of the rejection of claims 1-11 and 41-44 over Brown et al., Reber et al. and Turpin et al. are respectfully requested.

Claims 12, 15 and 31-38 were rejected under 35 U.S.C. § 103(a) over Ha et al. in view of Reber et al. Claims 13, 14, 16 and 17 were rejected under 35 U.S.C. § 103(a) over Ha et al. in view of Reber et al. and further in view of Brown et al. The rejections are respectfully traversed.

Ha et al. do not disclose or suggest a main food data base storing information about food to be managed. The memory 150 of the microwave oven 200 of Ha et al. merely stores cooking data received from the Internet. There is no information regarding food to be managed stored in the memory 150 of the microwave oven 200.

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Reber et al. fail to cure the deficiencies of Ha et al. with respect to claim 12. In particular, there is no disclosure or suggestion by Reber et al. of a main food data base storing information about food to be managed. Reber et al. merely disclose a food storage apparatus that monitors a food item within the storage place 24. There is no main food data base storing information about food to be managed in the apparatus of Reber et al. Accordingly, even assuming it would have been obvious to combine Ha et al. and Reber et al., which Applicants do not concede, the combination would not include all the limitations of claim 12 and would not present a *prima facie* case of obviousness.

Claims 13 and 14 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 12 and for the additional features recited therein. Moreover, it is respectfully submitted that Brown et al. fail to cure the deficiencies of the combination of Ha et al. and Reber et al. with respect to claim 12 and even assuming it would have been obvious to combine the three references, which Applicants do not concede, the combination would not result in the claimed invention.

Claim 15 is not rendered obvious by the combination of Ha et al. and Reber et al. as the combination fails to disclose or suggest, at least, storing, on a main food data base, information about food to be managed.

Claims 16 and 17 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 15 and for the additional features recited therein. It is further respectfully submitted that Brown et al. fail to cure the deficiencies of the combination of Ha et al. and Reber et al. with respect to claim 15 and even assuming it would have been obvious to combine the three references, which Applicants do not concede, the combination would not result in the claimed invention.

The combination of Ha et al. and Reber et al. cannot render obvious claims 31 and 35 as neither reference discloses or suggests a main food data base and a user food data base and thus cannot disclose or suggest access means for accessing via a main data server the main food data base and a data control means for accessing via the user data server the user food data base. The memory 15 of the microwave of Ha et al. is not a user food data base as alleged by the Examiner.

Claims 32-34 and 36-38 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claims 31 and 35, respectively, and for the additional features recited therein.

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Reconsideration and withdrawal of the rejections over the combination of Ha et al. and Reber et al. and Ha et al. in view of Reber et al. and Brown et al. are respectfully requested.

In view of the above amendments and remarks, Applicants respectfully submit that all the claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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